

Karen H. Raye

63 Sunset Cove Lane
Perry, ME 04667

Dear Senator Carney, Representative Harnett and Judiciary Committee Members,

My name is Karen Raye. I am the former Chair of the Perry Board of Selectmen, and I am writing to you today with concerns on LD 906. Let me begin by thanking you for making time available for additional input during your work session on this legislation given this unusual and complicated situation.

I served on the Board of Selectmen for nine years, and was Chair in 2014 when the voters of the Town of Perry enacted a Large Scale Water Extraction Ordinance with 85% of the vote. This ordinance was modeled on water extraction ordinances in other Maine municipalities and there was tribal representation on the committee that crafted it.

Residents of Perry are respectful of the need for a safe, clean and reliable water source for the customers of the Passamaquoddy Water District in Perry, Sipayik and Eastport. The purpose of the Perry ordinance is not to prevent large scale water extraction but rather to prevent unintended consequences of the sort that occurred when unannounced pump tests resulted in nearby residential wells going dry in Perry.

LD 906 is an effort to deprive the Town of Perry of control of its water resources by overriding the Town's ordinance. To that point, the attorney for the Passamaquoddy Tribe was quoted in the local newspaper, The Quoddy Tides, as saying the ordinance would place "a costly burden" on water extraction in the Town. The Committee should ask specifically what provision(s) of the ordinance the Passamaquoddy Water District finds unacceptable.

Do they object to the requirement for due diligence on geologic and hydrologic performance standards?

Do they object to the requirement to understand the impact on the general vicinity?

Do they object to the requirement for the implementation of a complaint protocol should there be issues?

These are not unduly burdensome requirements.

It is troubling that, while LD 906 was introduced on March 8, 2021, the Perry Board of Selectmen was first briefed on this bill and its implications on Tuesday evening, February 15th, less than a day and a half before the 9:00 a.m. public hearing on Thursday, February 17th. During the previous 11+ months since its introduction and throughout the process of developing legislative language, there was no consultation with the Town of Perry nor its residents who overwhelmingly enacted the water ordinance in 2014.

Sadly, the decision not to share this information with the Town and its residents has precluded any form of constructive collaboration to this point. The effort to solve a problem for the Passamaquoddy Water District and its customers must not disregard the interests of residents who could be adversely impacted if the ordinance is not followed. All affected parties deserve to be heard and considered.

My input is focused on the effort to circumvent Perry's water ordinance, which is what I understood the bill to be about when I was alerted to it by Selectman Scott MacNichol.

However, as I reviewed the bill, I learned the Committee is also looking at even wider implications that would result from its passage of LD 906 in terms of amending the Maine Implementing Act and surrendering State of Maine authority over water quality standards in the affected areas to the federal government. These are significant policy changes that should not be lumped into a bill that so many citizens are not even aware of.

Let me be clear. Nobody is arguing against the need for clean water for the Passamaquoddy Water District's customers in Perry, Sipayik and Eastport. But this is not only a tribal issue. It is a regional issue. The water district should respect and adhere to the ordinance in determining if the Perry aquifer is a reliable and workable source for clean drinking water for citizens in all three communities.

I would request the Committee table this legislation and encourage the Passamaquoddy Water District to work with the Tribe and the Town of Perry to address these issues in a collaborative manner with open and mutually respectful communication, and with an eye toward finding a solution that minimizes and mitigates negative impacts.

Thank you for your time and attention to this important matter.

A handwritten signature in black ink, reading "Karen H. Raye". The signature is written in a cursive, flowing style with a large, prominent 'K' and 'R'.

Karen H. Raye
Former Chair, Perry Board of Selectmen